

REMARKS

Claims 1-36 are pending in the application. Reconsideration and reexamination of the pending claims are respectfully requested.

Specification

The Examiner objected to the Specification because line 1 of the abstract includes the phrase “a system ... is disclosed.” Applicants have amended the Abstract and respectfully request that this objection be withdrawn.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected Claims 1-9, 11-31, and 33-36 under 35 U.S.C. § 103 as being unpatentable over a collection of web site pages from Internet web sites Whirlpool.com and coinop.com (collectively referred to as the “Whirlpool Reference”): KitchenAid Locator Services web site page (“Reference B”) (it is noted that the Examiner refers to this reference as “Reference A,” however, the Examiner marked the reference with “B” in a circle), Whirlpool Commercial Laundry Products web site page (“Reference C”), Commercial Laundry: 27” Heavy-Duty Commercial Washer web site page (“Reference D”), Whirlpool: Site Map web site page (“Reference E”), and Whirlpool Brand Home Appliances: Air Conditioners web site page (“Reference F”) in view of a collection of web site pages from Internet web site Norand.com (collectively referred to as the “Norand Reference”): Norand – Press Release web site page (“Reference G”) (it is noted that the Examiner refers to this reference as “Reference A”) and Norand – Printers & Peripherals web site page (“Reference H”) (it is noted that the Examiner refers to this reference as “Reference B”).

With respect to Claim 1, the Examiner has acknowledged that the Whirlpool Reference fails to teach or suggest a method of scheduling an in-home appliance repair service including the acts of determining at least one available repair time slot based on at least one of the appliance identifier and the geographical identifier, transmitting data indicative of the at least one available repair time slot to the client device via the wide area network, and receiving time slot selection data from the client device via the wide area network.

The Examiner indicates that Reference G discloses the acts of determining at least one available repair time slot based on at least one of the appliance identifier and the geographical identifier and transmitting data indicative of the at least one available repair time slot to the client

device via the wide network. The Examiner then acknowledges that Reference G does not teach or suggest the act of receiving the time slot selection data from the client device via the wide area network.

The Examiner contends that Reference H cures the deficiencies of the Whirlpool Reference and Reference G. The Examiner further contends that

Norand does teach that [its] approach to communicating technician ETA improves customer satisfaction Thus, it would have been obvious for the customer to reschedule and transmit time slot selection data via the network to Norand's dispatcher if the technician's ETA is unacceptable because it would improve customer satisfaction by allowing the customer to select a more convenient time to schedule a service call. Norand teaches that its systems improve productivity, quality and responsiveness, . . . and that computer automation improves customer satisfaction by allowing customers to access service information on a service provider's computer ([Reference H] paragraph 1 line 10). It would have been obvious . . . to modify Whirlpool's website of identifying appliance selection and receiving geographic identifier data with Norand's system for scheduling service calls because it would improve a service provider's productivity, quality and responsiveness while also increasing customer satisfaction by linking scheduling a service provider based on their geographic proximity to the customer and increase customer satisfaction by giving the customer an opportunity to schedule a service call.

Office action dated February 1, 2005, pages 4-5.

Applicants respectfully disagree. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. In re Vaeck, 947 F.2d 488, 493, 20 U.S.P.Q. 2d 1438, 1442 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. Id. Finally, the prior art reference (or references when combined) must teach or suggest

all of the claim limitations. In re Royka, 490 F.2d 981, 985, 180 U.S.P.Q. 580, 583 (CCPA 1974); MPEP §§ 706.02(j), 2143.03.

In establishing a *prima facie* case of obviousness, it is incumbent upon the Examiner to provide a reason why one of ordinary skill in the art would have been led to modify a prior art reference or to combine reference teachings to arrive at the claimed invention. Ex parte Clapp, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Int. 1985). To this end, the requisite motivation must stem from some teaching, suggestion or inference in the prior art as a whole or from the knowledge generally available to one of ordinary skill in the art and not from Appellant's disclosure. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 U.S.P.Q.2d 1434, 1439 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988); In re Vaeck, 947 F.2d at 493, 20 U.S.P.Q.2d at 1442; MPEP § 2143. The Examiner can only establish a *prima facie* case of obviousness by pointing out some objective teaching in the prior art references themselves that would lead one of ordinary skill in the art to combine the relevant teachings and the references. In re Fine, 837 F.2d at 1074, 5 U.S.P.Q.2d at 1598-99; In re Jones, 958 F.2d 347, 351, 21 U.S.P.Q.2d 1941, 1943-44 (Fed. Cir. 1992); MPEP § 2143.01.

In addition, the mere fact that the prior art structure could be modified does not make such a modification obvious unless the prior art suggests the desirability of doing so. In re Gordon, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984); In re Mills, 916 F.2d 680, 682, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990); MPEP § 2143.01.

Further, if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d at 902, 221 U.S.P.Q. at 1127; MPEP § 2143.01.

The Whirlpool Reference does not teach or suggest, among other things, a method of scheduling an in-home appliance repair service including the acts of transmitting data indicative of the at least one available repair time slot to the client device via the wide area network and receiving time slot selection data from the client device via the wide area network. The Examiner has acknowledged that the Whirlpool Reference does not teach or suggest these acts. Office action dated February 1, 2005, page 4.

The Norand Reference (both Reference G and Reference H) does not cure the deficiencies of the Whirlpool Reference. In addition, there is no suggestion or motivation to

combine the Whirlpool Reference and the Norand Reference. Furthermore, there is no suggestion or motivation to combine Reference G and Reference H, which has been overlooked by the Examiner.

Reference G is a press release for Norand's RapidREP™ field service management tool used with the Norand PENKEY® 6100 hand-held computer. RapidREP is a mobile data package including hardware, software and wireless communications service. RapidREP allows dispatchers to more effectively assign calls and manage resources based on real-time information from the field. The software is provided by Videre and allows instant communication of data via wireless networks and provides integrated information on location, schedule and work flow. RapidREP is a tool for communication between the dispatcher and the service representative.

In contrast, Reference H discloses a sales automation tool for use by a field sales force used with the Norand PENKEY 6622 hand-held computer. The features provided by this sales automation tool are independent of the field service management tool discussed in Reference G. Accordingly, Reference G and Reference H cannot be simply combined into a single reference without the necessary suggestion or motivation to combine.

The Examiner appears to have combined Reference G and Reference H into a single reference, referred to as the Norand Reference, without taking into consideration the differences of these references. The Examiner refers to Reference G and Reference H as "Norand's mobile computing platform," but does not acknowledge the differences between Reference G and Reference H. Office action dated February 1, 2005, page 3. Reference G and Reference H discuss two different and separate software programs and hardware. As noted above, Reference G focuses on a field service application, whereas, Reference H focuses on a sales application. These two references cannot simply be combined as indicated by the Examiner. Even though Reference G and Reference H are found at the same web site (www.norand.com), it does not mean that they represent a single reference or that they can be combined. The Examiner has failed to provide the necessary suggestion or motivation to combine these references, and therefore, to present a *prima facie* case of obviousness with respect to Reference G and Reference H.

On page 4 of the present Office action, the Examiner indicates that "Norand doesn't explicitly teach receiving time slot selection data from the client device." The Examiner

continues, “Norand does teach that [its] approach to communicating technician ETA improves customer satisfaction.” The Examiner then takes a great leap by concluding that “thus, it would have been obvious for the customer to reschedule and transmit time slot selection data via the network to Norand’s dispatcher if the technician’s ETA is unacceptable because it would improve customer satisfaction by allowing the customer to select a more convenient time to schedule a service call.”

The Examiner appears to indicate that the “customer” can reschedule a service request over a computer network. With all due respect, the Examiner is simply incorrect. Based on Reference G, a customer calls the Norand dispatcher to schedule (or reschedule) a service call. There is no indication that the customer can schedule (or reschedule) a service call over a computer network (e.g., the Internet). Further, the RapidREP tool is solely for communication between the dispatcher and the service representative (Reference G, paragraph 2, lines 8-10).

It then appears that the Examiner uses Reference H to indicate that a customer can schedule (or reschedule) a service call over a computer network. The Examiner points to Reference H, which indicates that one of the features of the PENKEY 6622 is to “allow your customers access to sale and service information on your systems, directly from theirs.” Again, this feature is for the sales automation tool, not the field service management tool. These references cannot be combined without a showing of the necessary suggestion or motivation to combine as required under 35 U.S.C. § 103. In addition, providing access to information is not the same as scheduling or making a request over a computer network without human intervention.

Finally, the Examiner indicates that “it would have been obvious to modify Whirlpool’s website of identifying appliance selection and receiving geographic identifier data with Norand’s system for scheduling service calls because it would improve a service provider’s productivity, quality and responsiveness while also increasing customer satisfaction by linking scheduling a service provider based on their geographic proximity to the customer and increase customer satisfaction by giving the customer an opportunity to schedule a service call.” Office action dated February 1, 2005, page 5.

The five references that make up the Whirlpool Reference cannot simply be combined with the Norand Reference as the Examiner suggests. Reference B of the Whirlpool Reference is

a web site page that can be accessed by a person to locate an appliance service provider in a specific geographical area. There is no suggestion in Reference B or any of the other References C, D, E, and F to allow the customer to schedule (or reschedule) a service call at the whirlpool.com web site. It is clear in Reference B that the Whirlpool Reference provides customers with a tool to search for appliance service centers within their local area. The customer would then contact the selected service center (most likely by telephone) to schedule a service call or to request pick-up of the appliance for service at the service center. There is simply no indication in Reference B to schedule (or reschedule) a service call over a computer network.

For at least these reasons, the combination of the Whirlpool Reference and the Norand Reference does not teach or suggest the subject matter of Claim 1. Accordingly, independent Claim 1 is allowable. Claims 2-19 depend from Claim 1, and are therefore allowable for at least the reasons set forth above with respect to Claim 1.

Claim 8 depends on Claim 1, and is therefore allowable for at least the reasons set forth above with respect to Claim 1. The Whirlpool Reference does not teach or suggest the subject matter of Claim 8 as acknowledged by the Examiner. Office action dated February 1, 2005, page 7.

The Norand Reference does not cure the deficiencies of the Whirlpool Reference. The Examiner indicates that Reference G discloses the acts of receiving a user identifier from the client device via the wide area network and retrieving a list of model numbers from a purchase history database based on the user identifier, wherein the step of transmitting the appliance selection data comprises the step of transmitting the list of model numbers retrieved from the purchase history database. The Examiner indicates that

Norand teaches receiving a user identifier (Reference [G] paragraph 4 line 7, customer service order) from the client device via the wide area network (Reference [G] paragraph 4 line 3, data communication via network); and retrieving a list of model numbers from a purchase history database based on user identifier (Reference [G] paragraph 2 line 8, technicians have access to customer service history, including model numbers), wherein the step of transmitting the

appliance selection data comprises the step of transmitting the list of model numbers retrieved from the purchase history database.

Office action dated February 1, 2005, pages 7-8.

Applicants respectfully disagree with the Examiner's characterization of Reference G. Reference G discloses that the dispatcher creates a service order and selects the service representative for the service order based on service location. There is no indication that the dispatcher receives a user identifier from the customer via a computer network. Rather, the customer calls the dispatcher to schedule (or reschedule) a service call. In addition, Reference G does not disclose the existence of a correlation between the user identifier and a list of model numbers in a purchase history database. The Examiner seems to equate "customer service history" with a purchase history database including model numbers. Customer service history includes a list of service data, not purchase data.

In addition, Reference B of the Whirlpool Reference does not include a selection for model numbers. Furthermore, model numbers, when searching for a service center is irrelevant. If a service center repairs washers and dryers, it most likely will repair all washers and dryers regardless of the model number. Therefore, the Whirlpool Reference does not include the necessary suggestion or motivation to be modified or be combined with another reference.

Furthermore, as noted above with respect to Claim 1, there is no suggestion or motivation to combine the teachings of the Whirlpool Reference and the Norand Reference.

For at least these reasons, the combination of the Whirlpool Reference and the Norand Reference does not teach or suggest the subject matter of Claim 8. Accordingly, Claim 8 includes additional patentable subject matter.

Claim 12 depends on Claim 1, and is therefore allowable for at least the reasons set forth above with respect to Claim 1. The Whirlpool Reference does not teach or suggest the act of receiving an appliance identifier comprising the act of receiving an appliance model number. The Examiner indicates that the Whirlpool Reference teaches this act in "Reference C:

commercial washer webpage identifies washers by model number; each model number [includes a] hypertext link corresponding with transmitting a request to display that model's detailed webpage." Rather, Reference B of the Whirlpool Reference only teaches the selection of and receiving of a product type and a zip code. Reference B does not include a selection for model numbers. Model numbers are irrelevant when searching for a service center. If a service center repairs washers and dryers, it most likely will repair all washers and dryers regardless of the model number. In addition, Reference C only includes a list of washers and dryers with access to additional information on the specific model by accessing the hypertext link. These model numbers and additional information are found on an independent web site, www.coinop.com, from www.whirlpool.com, and are not associated with Reference B in the selection of an appliance identifier.

The Norand Reference does not cure the deficiencies of the Whirlpool Reference. Furthermore, as noted above with respect to Claim 1, there is no suggestion or motivation to combine the teachings of the Whirlpool Reference and the Norand Reference. For at least these reasons, the combination of the Whirlpool Reference and the Norand Reference does not teach or suggest the subject matter of Claim 12. Accordingly, Claim 12 includes additional patentable subject matter.

With respect to independent Claim 20, the Examiner has acknowledged that the Whirlpool Reference fails to teach or suggest an appliance repair scheduling device comprising a message decoder structured to decode a time slot selection message, a controller operatively coupled to the receiver, the controller being structured to determine at least one available repair time slot based on the appliance identification message and the geographical identification message, and a transmitter operatively coupled to the controller, the transmitter being structured to transmit the appliance selection data and data indicative of the at least one available repair time slot to the client device via the wide area network.

The Examiner contends that Reference G cures the deficiencies of the Whirlpool Reference. The Examiner contends that Reference G discloses

a time slot selection message, a controller operatively coupled to the receiver, the controller being structured to determine at least one available repair time slot

based on the appliance identification message and the geographical identification message (Reference [G] paragraph 4 line 3-6, dispatcher matches service order with personnel based on location and availability); and a transmitter operatively coupled to the controller (Reference [G] paragraph 4 line 6, wireless communication allows dispatcher to communicate across network), the transmitter being structured to transmit the appliance selection data and data indicative of the at least one available repair time slot to the client device via the wide area network (Reference [G] paragraph 8 line 3) over manual service management of repair personnel.

Office action dated February 1, 2005, pages 13-14.

Applicants respectfully disagree. Reference G does not teach or suggest an appliance repair scheduling device including a controller operatively coupled to the receiver, the controller being structured to determine at least one available repair time slot based on the appliance identification message and the geographical identification message. Rather, Reference G is a press release for Norand's RapidREP™ field service management tool used with the Norand PENKEY® 6100 hand-held computer. RapidREP is a mobile data package including hardware, software and wireless communications service. RapidREP allows dispatchers to more effectively assign calls and manage resources based on real-time information from the field. The software is provided by Videre and allows instant communication of data via wireless networks and provides integrated information on location, schedule and work flow. RapidREP is a tool for communication between the dispatcher and the service representative.

There is no indication in Reference G that an available repair time slot is based on the appliance identification message and the geographical identification message. Rather, Reference G indicates that the software allows instant communication of data via wireless networks and provides integrated information on location, schedule and work flow. This simply means that the dispatcher can view the service representatives' schedule to find a repair time slot for a customer. There is no indication that the type of appliance is taken into consideration when determining the available repair time slots.

The Examiner has not used Reference H, and therefore, Applicants do not discuss or apply the teachings of Reference H with respect to Claim 20. In the event that the Examiner meant to combine the teachings of Reference H with Reference G, then the arguments presented above with respect to Claim 1 also apply to Claim 20.

In addition, there is no suggestion or motivation to combine the Whirlpool Reference and Reference G. The Examiner indicates that "it would have been obvious to modify Whirlpool's invention to provide transmitting at least one available time slot based on geography and appliance identification, as taught by Norand, because it would improve the productivity of service personnel by taking geography into account in their schedule and it would improve customer satisfaction by assigning service calls based on the nearest service technician." Office action dated February 1, 2005, page 14.

The five references that make up the Whirlpool Reference cannot simply be combined with the Norand Reference as the Examiner suggests. Reference B of the Whirlpool Reference is a web site page that can be accessed by a person to locate an appliance service provider in a specific geographical area. There is no suggestion in Reference B or any of the other References C, D, E, and F to allow the customer to schedule (or reschedule) a service call at the whirlpool.com web site. It is clear in Reference B that the Whirlpool Reference solely provides customers with a tool to search for appliance service centers within their local area. The customer would then contact the selected service center (most likely by telephone) to schedule a service call or to request pick-up of the appliance for service at the service center. There is simply no indication in Reference B to schedule (or reschedule) a service call over a computer network.

For at least these reasons, the combination of the Whirlpool Reference and Reference G does not teach or suggest the subject matter of Claim 20. Accordingly, independent Claim 20 is allowable. Claims 21-36 depend from Claim 20, and are therefore allowable for at least the reasons set forth above with respect to Claim 20.

The Examiner rejected Claims 10 and 32 under 35 U.S.C. § 103 as being unpatentable over References B, C, D, E, and F in view of References G and H, and further in view of Reliable Parts web site page ("Reference I").

Claim 10 depends from Claim 1, and is therefore allowable for at least the reasons set forth above with respect to Claim 1. The Examiner acknowledges that the Whirlpool Reference and the Norand Reference do not teach or suggest the subject matter of Claim 10. Office action dated February 1, 2005, page 21.

As noted above, there is no suggestion or motivation to combine the Whirlpool Reference and the Norand Reference. In addition, there is no suggestion or motivation to combine the Whirlpool Reference, the Norand Reference and Reference I. As noted above, Reference B of the Whirlpool Reference does not include a selection for model numbers. Furthermore, model numbers, when searching for a service center are irrelevant. If a service center repairs washers and dryers, it most likely will repair all washers and dryers regardless of the model number. Therefore, the Whirlpool Reference does not include the necessary suggestion or motivation to be modified or be combined with another reference.

Reference B of the Whirlpool Reference is a web site page that can be accessed by a person to locate an appliance service provider in a specific geographical area. There is no suggestion in Reference B or any of the other References C, D, E, and F to allow the customer to schedule (or reschedule) a service call at the whirlpool.com web site. It is clear in Reference B that the Whirlpool Reference solely provides customers with a tool to search for appliance service centers within their local area. The customer would then contact the selected service center (most likely by telephone) to schedule a service call or to request pick-up of the appliance for service at the service center. There is simply no indication in Reference B to schedule (or reschedule) a service call over a computer network.

For at least these reasons, the combination of the Whirlpool Reference, the Norand Reference, and Reference I does not teach or suggest the subject matter of Claim 10. Accordingly, Claim 10 includes additional patentable subject matter.

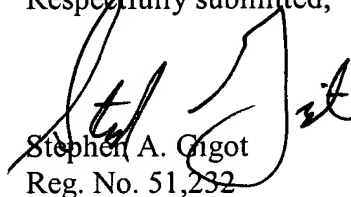
Claim 32 depends from Claim 20, and is therefore allowable for at least the reasons set forth above with respect to Claim 20. The Examiner acknowledges that the Whirlpool Reference and the Norand Reference do not teach or suggest the subject matter of Claim 32. Office action dated February 1, 2005, page 21.

As discussed above with respect to Claim 10, there is no suggestion or motivation to combine the Whirlpool Reference, the Norand Reference, and Reference I. Accordingly, Claim 32 includes additional patentable subject matter.

CONCLUSION

In view of the foregoing, entry of this paper and allowance of Claims 1-36 are respectfully requested. The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,



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